



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF FIRE SERVICES  
RICHARD W. MILLER  
STATE FIRE MARSHAL

STEVE ARWOOD  
DIRECTOR

**STATE FIRE SAFETY BOARD MEETING MINUTES**  
**Thursday, December 5, 2013**

**Members Present**

John Enkemann  
\*David Henry  
David Herbel  
\*Greg Herman  
Donald Hicks  
\*Dr. Ralph Hodek  
Mark Jensen  
Andrew Lenaghan  
Thomas Lippens  
Dean Mallos  
Rich Miller, SFM  
Dr. Usamah Mossallam  
Kassandra Renneberg  
Les Rodwell, **Chair**  
Ron Sabin  
John Wozniak

**Members Absent**

William Mayes, **Vice-Chair**

**Guests**

Beth Bacon, HCAM  
Greg Cole, Spectrum Health/MiSHE  
Ron Farr, U.L.

**Michigan Department of Licensing and Regulatory Affairs Personnel**

Joe Grutza, LARA/BFS  
Brian Williams, LARA/BFS  
Kim Osborn, BFS/Executive Secretary to the Board

\*Denotes, members attended and voted by conference call.

**CALL TO ORDER AND DETERMINATION OF QUORUM**

Meeting was called to order at 1:03 p.m. Chair Rodwell asked all to stand for the Pledge of Allegiance. Chair Rodwell requested a moment of silence for public safety officers and the military. Roll Call by Board Secretary Kim Osborn determined that a

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quorum was present. Chair Rodwell gave emergency exiting procedures. Introductions were made by Board Members and guests.

### **Agenda**

Chair Rodwell requested any additions, deletions or changes to the agenda. No changes.

### **Disposition of Minutes**

Chair Rodwell requested a review of Meeting Minutes of the October 24, 2013.

Vice Chair was changed from Dean Mallos to William Mayes.

Time corrections were made for Fireworks Appeal FW-04-13 and FW-05-13.

A **MOTION** was made by Board Member Enkemann to approve the minute. **MOTION SUPPORTED** by Board Member Mossallam. **MOTION CARRIED.**

### **Speaker Ron Farr from Underwriters Laboratories (UL) Presentation**

SFM Miller introduced Speaker Ron Farr of Underwriters Laboratories.

Mr. Farr's presentation "UL Meeting Today's Challenges"

Mr. Farr touched on the history of UL, what UL does including certifies and lists, validates, tests, inspects, audits, advises and trains. UL covers product safety, verification services, life and health, knowledge services and environment. Mr. Farr covered what projects they are working on in relation to the fire service, research they are conducting regarding buildings, 1 and 2 family dwelling and varies occupancy types, construction type and minimum protection requirements. Mr. Farr indicated UL was also involved overseas with various partners such as NFPA and ICC working together to resolve challenges faced by the industry.

Chair Rodwell thanked Mr. Farr.

### **BUREAU OF FIRE SERVICE REPORT**

#### **Audit**

The bureau Audit has been underway for approximately three months. The Bureau is learning its faults and things will improve based on the findings. Based on results of the audit, the bureau is getting updated software. This has been needed by the bureau for some time. Results will be available to public around end of January 2014.

#### **Travel**

The bureau will be using the state plane for board meeting for the three board members in the U.P. to cut down on travel costs for the bureau and to save drive time for the members.

### **Fireworks**

SFM Miller touched on the magnitude of the Fireworks Program. Fireworks were first made legal in 1966. Initially, the Michigan Fire Service was not in support of legalizing fireworks in Michigan. The Fire Service got on board to fund fire fighter training. It is a multimillion dollar program with added responsibility to existing BFS staff. BFS is responsible for the delegation program, in which there are currently 50 delegated departments and is another part of the program we are managing with existing staff. Only new staff that came with the Fire Works Program is one new technician. All bureau staff are currently assisting with the Fire Works Program in order to make it work. Other parts of the program include confiscation, violations, who can sell, what time fireworks can be used, size of community, all of these different parts of the program make it very taxing for the bureau to manage. After confiscation, we had to make arrangements to store and pay for the storage of illegal fireworks.

We are doing the best we can with what we have to work with. The bureau has spent over \$100,000 on AG opinions. There are currently over 750 vendors in state that can now sell fireworks, 550 are tents set up one weekend and taken down the next. The bureau is charged with their safety. There are 150 permanent structures. We continue to attempt to collect safety fees, of which 6% tax goes to treasury and 6% safety feet goes to fire fighter training.

The Fire Fighter Training Division manages how money will be spent for fire fighter training. Questions have arisen as to where the violation money goes, per the Act; the money is deposited into the fire safety fund and gets distributed accordingly. The program is a constant work in progress with existing staff.

Concerns were discussed. As a regulator, other facility type work has to wait when fireworks has to be done under short timelines, such as health care. Don't want fireworks plan reviews and inspections holding up work that needs to be done at health care facilities or other bureau regulated facilities. The opening of treatment areas in health care facilities should not be held up due to work needing to be done to open a fireworks retail tent.

SFM Miller indicated BFS staff are currently attempting to track time in the fireworks program. Need to prove our needs to ask for more funding for things such as more staff, software for tracking mechanisms, overtime to appease the industry to get plans out in a timely manner.

SFM Miller indicated if the regulated community runs into problems or delays to make contact with us if plans are held up and we will resolve those issues, as customer service is our priority.

SFM Miller also indicated that a Fireworks Adhoc Committee is being formed to revise the rules.

So far, 83 counties received \$10,000 for training to be used on approved Fire Fighter Training Division courses. Of the 33,000 firefighters, in which 8,000 are career in cities, and the rest are volunteers, working other jobs besides firefighting makes training needs very different. There are many training needs for different areas.

Dr. Mossallam indicated this should be all about safety, not about writing citations to provide funding for fire fighter training. SFM Miller agreed and reiterated that the Governor upheld this bill and wanted tighter penalties before signing. Governor acknowledged that the concern is with safety.

\$500,000 in AFC Grants are available this year. The bureau will be applying for some of that for software upgrades. We are doing our due diligence to do the best we can to sustain safety. I will keep you apprised of our efforts.

### **Administrative Rules Update**

All rules are status quo from last meetings update except:

The Dormitory and School rules have moved on to ORR, the Office of Regulatory Reform. The Bureau is preparing the Regulatory Impact Statements for both.

The Bureau is moving forward with the revised Fire Works Rules the Adhoc Committee is being notified.

The Health Care Rules are still at ORR, the Impact Statement has been developed and the next step will be the Public Hearing.

More specific timelines will be provided at the next meeting.

### **Unfinished Business**

#### **2014 SFSB Meeting Schedule**

Dr. Mossallam was not available for the 1/23/14 meeting. Majority was available 1/23/14, dates stands as 1/23/14.

Decision was made to move the 6/26/14 meeting to 6/19/14, majority favored.

A **MOTION** was made by Board Member Henry to accept the 2014 SFSB Meeting Schedule. **MOTION SUPPORTED** by Board Member Herman. **MOTION CARRIED.**

## **Fireworks Appeal Decisions**

Please note William Mayes is absent but documented by email that he upholds SFM Miller's decision on all five appeals.

The Appeals process will follow the Fireworks Safety General Rules, specifically Rule 22.

FW-06-13, called to order at 2:56 p.m., 12/5/13, at conclusion of roll call vote SFM Miller's decision was upheld in support of 15 votes upholding and 1 vote denying, adjourned at 2:58 p.m.

FW-07-13, called to order at 2:58 p.m., 12/5/13, at conclusion of roll call vote SFM Miller's decision was upheld in support of 16 votes upholding and no denials, passing unanimously, adjourned at 3:00 p.m.

FW-08-13, called to order at 3:00 p.m. 12/5/13, at conclusion of discussion and roll call vote SFM Miller's decision was upheld in support of 11 votes upholding and 5 votes denying, adjourned at 3:09 p.m.

FW-09-13, called to order at 3:09 p.m., 12/5/13, at conclusion of roll call vote SFM Miller's decision was upheld in support of 14 votes upholding and 2 votes denying, adjourned at 3:11 p.m.

FW-10-13, called to order at 3:12 p.m., 12/5/13, at conclusion of roll call vote SFM Miller's decision was upheld in support of 15 votes upholding and 1 vote denying, adjourned at 3:15 p.m.

The decision of the Board will be mailed to the appellant in these cases. The letter shall contain notice of the right of interested parties to file an appeal to the Michigan administrative hearings system (mahs) within 28 calendar days of issuance of the board's decision.

## **New Business**

### **Testing Laboratory Approval, Diversified Testing Laboratories, Inc.**

Brian Williams, Manager of the Plan Review Division researched the request and informed the board of the following.

The request came to BFS as a regulated health care facility is installing new furniture in the facility. The furniture is tested by Diversified which is currently an unrecognized laboratory, based on BFS Procedure 02-12.

Mr. Williams indicated that Diversified's website indicated they were an accredited independent commercial laboratory, accredited by the American Association for Laboratory Accreditation, A2LA.

Mr. Williams checked A2LA's website, which shows Diversified as accredited with the same address and contact information provided to the bureau. A2LA lists for suspended certificates, withdrawn certificates and inactive certificates were check and did not show Diversified on any of the lists.

A2LA indicates it has approval as an accreditation body from ISO/IEC 17025-2005, which is competence of testing and calibration of ISO criteria. This was verified on ISO's website.

Based on BFS procedure criteria, the Plan Review Division recommends acceptance of Diversified Testing Lab as an independent testing lab.

Contact made with Diversified's president and partner indicated they are incorporated and have no affiliation with any manufacturer.

A **MOTION** was made by Board Member Henry to accept the recommendation by the BFS Plan Review Division to approve Diversified Testing Laboratories, Inc. as a BFS Approved Testing Laboratory. **MOTION SUPPORTED** by Board Member Enkemann. **MOTION CARRIED.**

### **New Fireworks Appeals**

Packets are ready for members to review for one Appeal decision at the January 23, 2014, meeting which contains FW-11-13.

### **NEXT MEETING DATE**

The next meeting will be held **Thursday, January 23, 2014, at 1:00 p.m.**, at 3101 Technology Blvd., Suite H, Lansing, MI.

### **ADJOURNMENT**

A **MOTION** was made by Board Member Renneberg and **MOTION SUPPORTED** by Board Member Mossallam to adjourn the meeting at 3:22 p.m. **MOTION CARRIED.**

Approved

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Chair, State Fire Safety Board

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Date